

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-18 are pending. Claims 1, 7, 13, 15, 17, and 18 are independent.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-18 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S Published Application 2002/0035664 to Yates et al. (hereinafter, merely “Yates”) in view of U.S. Patent No. 6,100,788 to Frary (hereinafter, merely “Frary”) in view of an article authored by J.H. Wilkinson entitled “Linking essence and metadata in a system environment” (Sony BPE, UK IEE NBSS, July 6, 1999; hereinafter, merely “Wilkinson”) and further in view of U.S. Patent No. 6,519,105 to Takayama (hereinafter, merely “Takayama”).

Takayama is disqualified under 103(c) and therefore the Office Action has failed to provide a proper rejection of the claims.

Takayama is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the

invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Takayama and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Takayama is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Takayama in the above-noted Office Action are overcome.

Therefore, Applicants respectfully submit that all the pending claims are patentable.

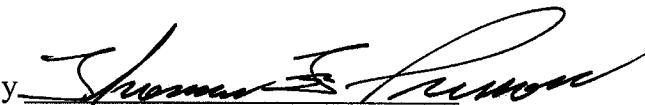
CONCLUSION

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Applicants respectfully submit that all of the claims are in condition for allowance and request early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800